

111TH CONGRESS
2^D SESSION

H. R. 5321

To prohibit certain individuals from possessing a firearm in an airport,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2010

Mr. JOHNSON of Georgia (for himself, Mrs. MCCARTHY of New York, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit certain individuals from possessing a firearm
in an airport, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airport Security Act
5 of 2010”.

1 **SEC. 2. PROHIBITION OF POSSESSION OF FIREARMS AT**
2 **AIRPORTS.**

3 (a) PROGRAM TO PROHIBIT POSSESSION.—Section
4 44903 of title 49, United States Code, is amended by add-
5 ing at the end the following new subsection:

6 “(m) PROGRAM TO PROHIBIT POSSESSION OF FIRE-
7 ARMS AT AIRPORTS.—

8 “(1) ESTABLISHMENT.—The Assistant Sec-
9 retary of Homeland Security (Transportation Secu-
10 rity Administration) shall establish and carry out a
11 program to prohibit, except as provided in para-
12 graph (3), any individual from possessing a firearm
13 at a covered airport, including any individual who
14 enters the airport, or who exits public transportation
15 at the airport, for the following purposes:

16 “(A) Air travel.

17 “(B) Meeting another individual.

18 “(C) Picking up cargo.

19 “(D) Employment at the airport.

20 “(2) REQUIREMENTS FOR AIRPORT OPERA-
21 TORS.—In carrying out the program established
22 under paragraph (1), the Assistant Secretary shall
23 require each airport operator to—

24 “(A) conspicuously display notices summa-
25 rizing the program—

1 “(i) at each entrance to the airport;

2 and

3 “(ii) in such form, and containing
4 such information, as the Assistant Sec-
5 retary shall by regulation prescribe; and

6 “(B) require law enforcement personnel
7 to—

8 “(i) monitor the airport to prevent
9 violations of paragraph (1); and

10 “(ii) escort any individual described in
11 paragraph (3)(B)(ii) who is discovered by
12 such personnel to be in possession of a
13 firearm referred to in paragraph (3)(B)(i),
14 to ensure that such individual continues to
15 be excepted from paragraph (1) by reason
16 of paragraph (3)(B).

17 “(3) EXCEPTIONS.—The following individuals
18 shall not be prohibited by paragraph (1) from pos-
19 sessed a firearm under such paragraph:

20 “(A) INDIVIDUALS AUTHORIZED TO CARRY
21 A FIREARM.—An individual who, by regulation,
22 is authorized by the Administrator of the Fed-
23 eral Aviation Administration or the Assistant
24 Secretary to carry a firearm at the covered air-
25 port.

1 “(B) TRAVELERS.—An individual who pos-
2 sesses a firearm, if—

3 “(i) the firearm is unloaded, carried
4 in a hard-sided container that is locked,
5 and the key or combination to the lock is
6 in the exclusive possession of the indi-
7 vidual; and

8 “(ii) the individual—

9 “(I) is carrying a ticket in the
10 name of the individual for a flight
11 that is scheduled for departure from
12 the covered airport within 24 hours or
13 that has arrived at the airport within
14 the preceding 24 hours; or

15 “(II) communicates the intention
16 to obtain a ticket for departure re-
17 ferred to in subclause (I) at the cov-
18 ered airport and obtains and carries
19 such ticket or does not obtain such
20 ticket for a compelling reason.

21 “(C) INDIVIDUALS SHIPPING FIREARMS.—
22 An individual who possesses a firearm in a ca-
23 pacity relating to the shipment of the firearm
24 in air commerce and who, by regulation, is au-
25 thorized by the Administrator of the Federal

1 Aviation Administration or the Assistant Sec-
2 retary to possess the firearm at the covered air-
3 port in such capacity.

4 “(D) LAW ENFORCEMENT OFFICERS.—An
5 on-duty law enforcement officer of a State or
6 political subdivision of a State, or an officer or
7 employee of the Federal Government, who is
8 authorized to carry a firearm.

9 “(E) CERTAIN INDIVIDUALS ON PUBLIC
10 TRANSPORTATION.—An individual passing
11 through an airport on public transportation.

12 “(F) ADDITIONAL AUTHORIZED INDIVID-
13 UALS.—An individual who is otherwise author-
14 ized by the Administrator of the Federal Avia-
15 tion Administration or the Assistant Secretary
16 to possess a firearm at a covered airport.

17 “(4) ISSUANCE OF REGULATIONS.—Not later
18 than one year after the date of enactment of this
19 Act, the Assistant Secretary of Homeland Security
20 (Transportation Security Administration) shall issue
21 regulations to carry out this subsection.

22 “(5) DEFINITIONS.—In this subsection:

23 “(A) AIRPORT.—The term ‘airport’ means
24 an airport and any appurtenant building or
25 area that is related to the operation of the air-

1 port, including a building or area on the site of
2 the airport designed to—

3 “(i) receive passengers or cargo before
4 or after a flight; or

5 “(ii) facilitate arrival at or departure
6 from the airport, including—

7 “(I) a road or section of road
8 used primarily for arrival at or depar-
9 ture from the airport;

10 “(II) an airport parking area;

11 and

12 “(III) a public transportation
13 stop.

14 “(B) AIRPORT OPERATOR.—The term ‘air-
15 port operator’ means the operator of a covered
16 airport.

17 “(C) ASSISTANT SECRETARY.—The term
18 ‘Assistant Secretary’ means the Assistant Sec-
19 retary of Homeland Security (Transportation
20 Security Administration).

21 “(D) COVERED AIRPORT.—The term ‘cov-
22 ered airport’ means an airport that in the pre-
23 ceding fiscal year received an amount allocated
24 or apportioned under chapter 471.

1 “(E) FIREARM.—The term ‘firearm’ has
2 the meaning given the term in section 921(a)(3)
3 of title 18.

4 “(F) PUBLIC TRANSPORTATION.—The
5 term ‘public transportation’ means a convey-
6 ance that provides regular and continuing gen-
7 eral or special transportation to the public.”.

8 (b) CRIMINAL PENALTY FOR POSSESSION.—

9 (1) IN GENERAL.—Chapter 44 of title 18,
10 United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 932. Possession of firearms at airports**

13 “(a) IN GENERAL.—Except as provided in subsection
14 (b), an individual who knowingly possesses a firearm at
15 a covered airport shall be fined under this title, imprisoned
16 not more than 10 years, or both.

17 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
18 an individual described in section 44903(m)(3) of title 49.

19 “(c) DEFINITION OF COVERED AIRPORT.—In this
20 section, the term ‘covered airport’ has the meaning given
21 the term in section 44903(m)(5)(D) of title 49.”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall take effect on the date that
24 is 30 days after the date on which the Assistant Sec-
25 retary of Homeland Security (Transportation Secu-

1 rity Administration) has issued regulations pursuant
2 to section 44903(m)(4) of title 49, United States
3 Code (as added by subsection (a)).

4 (3) CONFORMING AMENDMENT.—The table of
5 sections for chapter 44 of title 18, United States
6 Code, is amended by adding at the end the following
7 new item:

“932. Possession of firearms at airports.”.

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